



Australian Government
Department of Education

Your Ref
Our Ref LEX 1341

Nosey Rosey

By email: foi+request-12596-e28cc479@righttoknow.org.au

Dear Nosey Rosey

Your Freedom of Information request - decision

I refer to your request, received by the Department of Education (department) on 7 January 2025, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“Any formal agreements documenting the department’s role, if any, in receiving, handling, or sharing DVA client information for the purposes of a higher education assistance program.”

My decision

I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that I am satisfied that the documents you are requesting do not exist within the department.

Reasons for decision

An agency or Minister may refuse a request for access under subsection 24A(1) of the FOI Act if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency’s or Minister’s possession but cannot be found; or*
 - (ii) does not exist.*

I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that I am advised that all reasonable steps have been taken by relevant departmental officers to find documents falling within the scope of your request and those documents do not exist within the department.

Why the documents do not exist at this stage

I am advised that the Higher Education, Research and International Group within the department did not identify any formal agreements with the Department of Veterans’ Affairs (DVA) that would fall

within the scope of your request. I am advised that there are no formal agreements about the receiving, handling or sharing of information about DVA clients in relation to higher education assistance programs, as the collection of information about DVA clients is not required for the department to administer higher education assistance programs.

I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

Yours sincerely

Alison

Alison
Authorised decision maker
Freedom of Information Team
Department of Education

6 February 2025

YOUR RIGHTS OF REVIEW

Asking for a formal review of an FOI decision

If you believe the decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

- an internal review officer in the department and/or
- the Australian Information Commissioner.

There are no fees for applying for a formal review.

Applying for an internal review by an internal review officer

If you apply for internal review, a different decision maker to the decision maker who made the original decision will review your request. The internal review decision maker will consider all aspects of the original decision afresh and decide whether the decision should change.

An application for internal review must be made in writing within 30 days of receiving this letter. You can lodge your application by email to foi@education.gov.au.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can lodge your application in one of the following ways:

Online:

<https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

Email: foidr@oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Complaints to the Australian Information Commissioner

Australian Information Commissioner

You may complain to the Australian Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Australian Information Commissioner must be made in writing and can be lodged in one of the following ways:

Online:

<https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

Email: foidr@oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001